

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

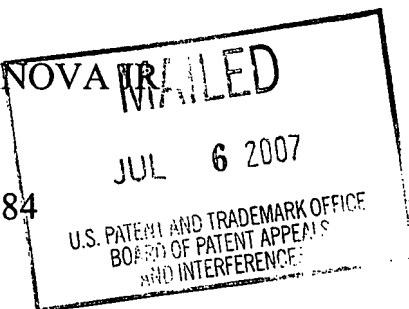
---

Ex parte: FRANCIS JAMES CANOVA

---

Application No. 10/054,684

---



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

---

This application was received electronically at the Board of Patent Appeals and Interferences on May 09, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below.

INFORMATION DISCLOSURE STATEMENT

An Information Disclosure Statement (IDS) was filed on January 22, 2002. A review of the Image File Wrapper reveals that the examiner has not considered the IDS. According to MPEP § 609 which states:

“ . . . The Examiner must also fill in his or her name and the date the information was considered in blocks at the bottom of the PTO-1449 or PTO/SB/08A and 08B form.”

#### EXAMINER'S ANSWER

On May 31, 2006 an Examiner's Answer was mailed. A review of the Examiner's Answer reveals that it is not in compliance with the Manual of Patent Examining Procedure (MPEP). In the "Real Party Interest" (section 1), is missing from the action. This section should be labeled and addressed.


#### CONCLUSION

Accordingly, it is

**ORDERED** that the application is returned to the Examiner:

- 1) for consideration of the IDS and written notification to the applicant of such consideration; and
- 2) issue and mail a form PTO-90, identifying the appendix heading Real Party In Interest; and
- 3) for further action as may be appropriate.

#### BOARD OF PATENT APPEALS AND INTERFERENCES

By:   
PATRICK J. NOLAN  
Deputy Chief Appeals Administrator  
(571) 272-9797

Application No. 10/054,684

PJN/jgr

FOLEY & LARDNER LLP  
777 EAST WISCONSIN AVENUE  
MILWAUKEE WI 53202